APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,622	01/22/2004	William Wesley Jenkins	CCS-102/Clarity CSI FlexA	5053

32205 7590 02/20/2007	EXAMINER	
CARMEN B. PATTI & ASSOCIATES, LLC		
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CHICAGO, IL 60602	ART UNIT	PAPER NUMBER
	2617	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	10/762,622	JENKINS ET AL.
	Examiner	Art Unit	
	Aung T. Win	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>13 November 2006</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-12, 20-39, 45 and 46</u> is/are pending in the application.

    4a) Of the above claim(s) <u>13-19 and 40-44</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-12, 20-39, 45& 46</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 1 recites the limitation "storing an initial voice message associated with an incoming call to the first mobile terminal". As recited in the claim, the voice message is already stored in the first mobile terminal. Claim 1 further recites "not automatically transmitting the initial voice message to the first mobile terminal from the communication server". It is unclear how is already stored voice message in the first mobile terminal transmitted from the communication server to the first mobile terminal. Examiner requests the applicant specify the drawing, page, column or line number, which support the claims' limitations. Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1.   In light of 112 Claims rejections under 35 U.S.C. 112, first paragraph, Claims 1-

12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahod et al. US (US

20040224678A1) in view of Markki et al. (US20040127203A1).

Claims 20-23, 25-33, 35-39 are also rejected under 35 U.S.C. 103(a) as being

unpatentable over Dahod et al. US (US 20040224678A1) in view of Markki et al.

(US20040127203A1).

1.1   Regarding Claim 1, Dahod discloses a method implemented by a push-to-talk

(PTT) mobile terminal [See background, summary & Figures] for communicating voice

information. The method comprises storing initial voice message of a caller in the voice

mail system if the receiving user of the PTT mobile terminal does not answer the PTT

call [0036, 0037, 0044].   Dahod's method does not transmit initial voice message to the

receiving PPT mobile terminal automatically. Such feature is also well known in the art

since the conventional PTT call method also send the alert to the user before sending

the initial voice message. It is obvious to one of ordinary skill in the art that telephone network comprises call processing server as claimed to process the calls.

Dahod's does not explicitly teach transmitting selectable acceptance management call control request message.

Markki discloses the incoming call processing method comprising call processing server for processing the incoming call based on profile data inputted by user of the mobile terminal [Profile data in call preference database 104: Figure 1]. Markki teaches that mobile transmit profile data to the remote call preference database to set up the user preferred call treatment based on user action [0009, 0019-0022 & 0026] (reads on first determining step as claimed) and the call processing server determine if there is profile data in the call preference database prior to processing the call (reads on second determining step as claimed).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to modify Dahod's method as claimed by implementing user preferred call treatment set up method as taught by Markki [transmitting profile data or deleting profile data: 102; Figure 1]. One of ordinary skill in the art at the time of invention of made would have been motivated to do this to provide improved future incoming call treatment feature according to user preference such as by creating profile data with differnt call alerts.

1.2   Claim 7 is an apparatus claim rejected for the same reason as stated above in Claim 1 rejection because claimed means substantially read on the corresponding

method of Claim 1.

1.3   Claim 20 is rejected for the same reason as stated above in Claim 1 rejection

because claimed method substantially read on the corresponding method of Claim 1.

Modified method teaches updating user profile data and call processing server

processes call based on updated profile data.

1.4   Claim 30 is also rejected for the same reason as stated above in Claim 1, 7 and

20 rejections. It is obvious to skill in the art that that modified processing

communication server must be implemented with claimed means in order to process the

method claimed in Claim 20.

1.5   Claims 2, 5, 6, 8, 11 & 12 are rejected for the same reason as stated above in

Claims 1 and 7 rejections. The modified call processing server processes the call in

default behavior if there is no stored profile data in the remote preference database

wherein profile data comprises different alerts [Markki: 0028] [Dahod: 0049]. The

modified method teaches accepting the call by retrieving stored voice message (i.e,

claimed user second input).

1.6   Claims 3, 9, 21, 23, 31 & 33 are rejected for the same reason as stated above in

Claims 1, 7, 20 & 30 rejections. The modified method teaches the second user input as

claimed i.e., answering the call [Dahod: 0044-0046].

1.7   Claims 4 & 10, 22, 25, 32 & 35 are rejected for the same reason as stated above

in Claims 1 & 7 rejections because claimed limitations are substantially close to

corresponding ones of Claims 1 & 7. Dahod disclosed that SMS notification message is

delivered in **some** embodiments to the sender [Dahod: 0045]. Therefore, it is obvious

to one of ordinary skill in the art that such message status notification message is the

design choice and such feature does not constitute the patentably distinct limitation

because such feature is within the scope of modified method. Therefore, it would have

been obvious to one of ordinary skill in the art to implement modified method without

providing message status notification to the sender as claimed for the service provider

to provide the communication method based on client choice.

1.8   Claims 26, 27, 28, 29, 36, 37, 38 & 39 are rejected for the same reason as stated

above in Claims 20 & 30 rejections. Modified method teaches aborting the PTT

communication sessions between terminals if the receiving terminal does not reply in

predetermined time (i.e, the time required to establish the PTT communication session)

[Dahod: 0032, 0036, 0044] and further deleting initial stored voice message. Modified

method also teaches establishing the PTT communication sessions between terminal if

the receiving terminal reply in predetermined time [See cited disclosure of PTT

communication session establishment; Dahod's reference].

2.   Claim 24 & 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over
Dahod et al. US (US 20040224678A1) in view of Markki et al. (US20040127203A1),
further in view of Mathis (US 20030119540A1).

2.1   Regarding Claims 24 & 34, modified method fails to teach claimed transmitting
steps. Mathis teaches claimed transmitting steps i.e., transmitting a presence status
update message to mobile terminals for displaying on the mobile terminals [See
Pictures and related disclosures].

Therefore, it would have been obvious to one of ordinary skill in the art at the
time of invention of made further modify the method to provide present status
information to mobile terminals as taught by Mathis. One of ordinary skill in the art
would have been motivated to do this to provide improved and resource efficient PTT
system by avoiding unnecessary PTT call requests by the PTT requesting terminal.

3.   Claims 45 & 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over
Dahod et al. US (US 20040224678A1) in view of Markki et al. (US20040127203A1).

3.1   Regarding Claims 45 & 46, Dahod discloses Push-to-talk (PTT) communication

method by PTT mobile terminal by setting up PTT voice communication link [See

Figures] [Paragraph 0028 & 0029]. The method comprises

Storing the transmitted voice message [sender request signal indicating the user wants to transmit voice message to

message [sender request signal indicating the user wants to transmit voice message to

the receiving PTT mobile terminal: 0019, 0028] [Media Gateway or Media Server: 0032];

Storing the transmitted voice message [0028];

Transmitting an incoming call alert message to the receiving PTT mobile terminal

[0045] and

Further transmitting the stored voice message to the receiving PTT mobile

terminal (first mobile terminal) [0029] based on call by call basis [accept, delete, or

forward, etc. 0045]. Dahod does not explicitly teaches storing the presence state

associated with the receiving PTT mobile terminal to reflect the future incoming calls.

Markki discloses the incoming call processing method comprising call processing

server for processing the incoming call based on profile data inputted by user of the

mobile terminal [Profile data in call preference database 104: Figure 1] (reads on storing

a presence state to reflect future incoming calls to the receiving mobile terminal).

Markki teaches that mobile transmit profile data to the remote call preference database

to set up the user preferred call treatment based on user action [0009, 0019-0022 &

0026] (reads on first determining step as claimed) and the call processing server

determine if there is profile data in the call preference database prior to processing the

call (reads on second determining step as claimed).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to modify Dahod's method as claimed by implementing user preferred call treatment set up method as taught by Markki [transmitting profile data or deleting profile data: 102; Figure 1]. One of ordinary skill in the art at the time of invention of made would have been motivated to do this to provide improved future incoming call treatment feature according to user preference and presence state information.

Moreover, Dahod disclosed that SMS notification message is delivered in **some** embodiments to the sender [Dahod: 0045]. Therefore, it is obvious to one of ordinary skill in the art that such message status notification message is the design choice and such feature does not constitute the patentably distinct limitation because such feature is within the scope of modified method. Therefore, it would have been obvious to one of ordinary skill in the art to implement modified method without providing message status notification to the sender as claimed for the service provider to provide the communication method based on client choice.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
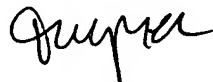
A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Aung T. Win whose telephone number is (571) 272-

7549. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Duc Nguyen can be reached on (571) 272-7503. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Aung T. Win
Group Art Unit 2617
February 12, 2007

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